

SENIOR CONSTABLE UPSTON

Q1 This is an electronically recorded interview between Senior Constable David Upston and Gary Shanks on Friday, the 23rd of the 4th, 1999, at the Adelaide C.I.B. in South Australia. The time on my watch is now 4.35pm. And also present and seated opposite me is Detective Senior Constable Gray from Bega Detectives. Gary, for the purpose of the interview would you like to please state your full name?

A My full name is Gary Shanks.

Q2 Your date of birth?

A 23/01/57.

Q3 And your address?

A 28 Old Coach Road, Urbray(?), South Australia.

Q4 And your occupation?

A Medical practitioner.

Q5 O.K. Gary, for the, as I explained to you earlier, that Senior Constable Gray and myself are making inquiries into the 1998 Sydney to Hobart Yacht Race, and we have been directed by the Coroner to make inquiries, to speak to people either directly or indirectly involved in the race, and I'm aware that you own a vessel and that you in fact participated in that race, that Sydney to Hobart Yacht Race in 1999, 1998. Is that correct?

A That's correct.

Q6 Could you give me the name of your vessel?

A Doctel Rager.

Q7 And how many crew do you carry on that vessel?

A In the 1998 Sydney Hobart we carried 15 crew.

Q8 Right. Could you now give me your experiences as a sailor?

A Past experiences or to do with the race?

Q9 Yes, past experiences.

A I've been racing since I was seven, been sailing all my life, come from a sailing family. Racing since seven. Dinghies, then threw up to trailables, big trailables, junior offshore group, and then to the, the big ocean racing stuff. We've been doing serious ocean racing ourselves for roughly 18 months, having previously sailed ocean cruising and some ocean racing in New Guinea at a younger age.

Q10 O.K. And you've sailed in Sydney to Hobarts before?

A Yeah, the first Sydney Hobart was the year before last, the '97, and '98 was our second.

Q11 O.K. What type of vessel do you own?

A It's a 56 foot, or 17.1 metre Elliott designed skiff shaped hull, made predominantly out of a timber core of cedar and kauri with a Dynal sheet and fibreglass outer coating and for the '98 race we had a brand new keel fitted to the boat. It was also designed by Greg Elliott.

Q12 You would think that it's a very strong boat?

A It is a very strong boat.

Q13 O.K. And what category in the, in the 1998 yacht race did you participate in?

A It's called P.H.S.

Q14 O.K. And what can you tell me about the P.H.S. category of the races, as you understand them?

A Well, P.H.S. category is essentially the design edge, if you like, the leading design edge of ocean racing - - -

Q15 Mmm.

A - - - as distinct from I.M.S. which is a controlled category.

Q16 Right.

A P.H.S. you can experiment to a certain extent in terms of sail sizes, sail shapes, within certain boundaries, construction of your, your kite poles and your booms and what have you, and the only thing you can't really have is water ballast at all.

Q17 O.K. Does that also have, under the P.H.S. ruling, does that vessel have a stability index, that you're aware of?

A Well, our, our vessel does have a stability index because it was previously raced I.M.S. - - -

Q18 O.K.

A - - - and it's only been since, I think the immediate previous owner to me had it, that he started racing it with masthead kites and stuff like that, that made it P.H.S. and we decided that we'd optimise the boat, it was a sister ship to Future Shock, which raced as Fudge, that we'd optimise it in P.H.S. so we've now got

-  
a bow sprig and we've got this sort of grand prix type keel.

Q19 O.K. Could you tell me what the, the old I.M.S. rating was at, under the old I.M.S. the stability index was from your recollection?

A No, the, the rating certificate is with the C.Y.C.A. I did have a copy of it, but not with me.

Q20 O.K. I show you a document that I have here, which is a crew list headed, Telstra Sydney to Hobart Yacht Race 1998 Mandatory Crew List. It's a two page document and on the name of the yacht it's got Doctel Rager. Is that your vessel?

A That's my vessel, yeah.

Q21 O.K. Is that an accurate account of the crew that you submitted that you were going to take with you?

A Yeah, that, that's the mandatory crew list we put in, there's, there was a change to that list, two additional went on there, so we had 15, one was David Woods from South Australia, who's the State Safety Officer, he sailed with us in '97, sailed with us again in '98, and a professional out of Sydney called Mike Saby, and they're both on a separate list that you put in on the day of the race if you change your crew.

Q22 O.K. So you did in fact notify the - - -

A Mmm.

Q22 - - - C.Y.C.A. of that change?

A Yeah.

Q23 And also the deletion of others?

A I don't know that we deleted anybody here. .... No, we just added two to the crew. This is a list of 13, and we added two to that list.

Q24 O.K.

A Mmm.

Q25 Just, just on that, do you, can you see that that, by not officially deleting those names that that could have caused some confusion in the event of a, perhaps a rescue situation where they would be possibly look, hypothetically looking for two other people on the board, vessel, ....

A They weren't deleted, they were additions to the crew.

Q26 Yeah.

A There is a, there is a, a separate additions and deletions sheet that you put in - - -

Q27 O.K.

A - - - before the race - - -

Q28 Yeah.

A - - - and you can be disqualified for not doing that.

Q29 O.K.

A I'm actually surprised you haven't got that.

Q30 No. No, that hasn't been supplied. I show you a certificate, is, of the vessel Rager.

A That's us.

Q31 That's you, that's your - - -

A Yeah.

Q31 - - - an, a previous - - -

A That's ....

Q31 - - - I.M.S. certificate?

A Yeah, that's right, that's its last certificate and it ran out June '97.

Q32 Yeah. And that, the previous owner there's mentioned on that certificate as being that of Peter Bush.

A ..... Yeah, that'd be right.

Q33 O.K. I also point out to you a stability index here of 116.6, and also a calculated limit of positive stability of 115.4 degrees. Is that right, that I've showed you those - - -

A Yeah.

Q33 - - - two?

A I've seen them.

Q34 O.K. Are you aware of what they mean, as far as the I.M.S. certificate rating and the category 1, which the Sydney to Hobart Yacht Race is in?

A Am I aware of what these numbers mean?

Q35 Yes.

A No, not a clue.

Q36 O.K. All right. I'll just, for your information I'll let you know that the Sydney to Hobart Yacht Race is a category 1 race which requires certain safety requirements - - -

A I knew it was category 1, I didn't know what - - -

Q37 O.K. Well, the - - -

A - - - those numbers are.

Q37 - - - the, the stability index for vessels under an I.M.S. rating is 115 degrees and greater.

-

A Right.

Q38 O.K? O.K. Gary, I'll, I'll take you, to save time for yourself, we'll - - -

A Mmm.

Q38 - - - take you beyond the start of the race - - -

A Yeah.

Q38 - - - preparation, and, and to where you, and were caught up in bad weather.

A Mmm.

Q39 O.K? And weather associated with that, to the 27th, I believe is, which is the day after Boxing Day.

A Yeah, .....

Q40 What can you tell me about that?

A The actual day of the 27th?

Q41 Yes.

A Where were we? We were down pretty close to Eden, I think. By 6.00am we were just short of Eden. I think we would have gone past Eden close to 11.00, 10.00, 11 o'clock, and it was about, I think it was roughly 11.00am, 11.30, something like that that the wind came in very strongly and, and very quickly. It built from 20 knots up to 50 knots within the space of 90 seconds. Not that fast that you couldn't see it going up on the gauge. I was steering at the time, you could actually see it jump from 20, 25, moving through, as each gust got stronger and stronger. Then it went 50, 55, sat on, sat in between sort of 50 and 60 in each of these gusts, and it looked, it felt then, after about 5 or 10

minutes that it was more than just a squall front, often you get a squall front that's got a fair bit in it and then it will tail off to the background of breeze, and it felt like it was a solid 50, 60, and it was just staying there at 50, 60, and it was starting to gust higher than 60. One of the gusts at that point was 72, and we said, Oh, this is, this is a bit more than the, the, the 55, you know, we thought maybe we'd get 55 or 50, and maybe gusting 60, when it's gusting 72 and the tops are blowing off, and you'd look into the horizon and it was all, was all, almost like white smoke, and you could see the tops, everything coming horizontally like a squall front does, but it was very solid, it wasn't a, a thin front, you couldn't see through it, and we thought, oh, boy, we're in for something here, bet ... that it's going to be more than 70, and it was about that point when I got Mike Saby, he's the, the, one of the additional guys, to get on the radio and put in a report that we had this solid 50 to 60, gusting 72, and that we just wanted to alert the, the smaller boats in the fleet behind us that it looked like it was going to get pretty nasty. And then after that it did get pretty nasty. We were just busy hanging on - - -

Q42 Right.

A - - - getting sails strapped to booms and getting from the number 5 down to the storm, storm heading. And then we had 9 hours, had a 3 hour shift, then the



second team had a 3 hour shift, and at the end of our second, my second 3 hour shift, roughly 9 hours, it had moderated down to about 30, 35 knots where we were. It was still rough and bumpy and disgusting but it was still, it was a manageable breeze strength that we could deal with after that.

Q43 And then what happened?

A For us?

Q44 Mmm.

A We'd had, we'd been beaten up a fair bit in the boat, we'd got a lot of water in the boat, some of that water had, we think, at least got into, salt got in somehow into the battery area. We had some battery power but not enough, and certainly wasn't enough to start the motor to charge the batteries. Somehow the emergency switch, or whatever it's called, must have been left on, and we drained that battery. So then we found ourselves without any battery power. Do you want to hear what we did?

Q45 Yes. Carry on.

A Pulled the fans out of the boat, put them on the push .... wired them backwards so what breeze there was blew through the fans, and it gave a little 1 and a half amp trickle charge, and the trickle charged one battery, and after you'd get about roughly 12 hours of little trickle charge we'd get 90 seconds on the radio and we, because we, we knew about a, a wait for our position in the sched we reported roughly an hour before the sched

where we were, so they had that information for the, they put us in that position on the sched from that ..... When it came up on the charts we were about an hour behind where we were. But we didn't have any radios to listen to, and that's all we did, and we sailed in with handheld G.P.S.

Q46 Right. Did you suffer any, or did anyone suffer injuries on the boat as a result of the conditions you were in?

A Minor injuries, Jane Osborne got flipped off the weather rail and, and landed on the, one of the primary winches and bruised her knee, and we had to put her below for a couple of hours and ice it up. Standing on the left leg the whole time I've actually got some bone chips in my ankle, so I could hardly walk when I got there, but that was just because I was standing on one leg. The navigator got a bruised bum when he got flipped off the nav side and into the stove. Just bruises and stuff, nobody was bleeding, just strains and sprains, basically.

Q47 Was, did anyone suffer sea sickness?

A Yeah, we had two that were sick to the point where they, they were unable to take part in a watch. They both only, both of them only missed one watch, so they were off deck 9 hours, rather than only 3.

Q48 And what, what sort of treatment did you, did they get to help them along the way?

A Harsh and unreasonable treatment, put in a corner with a bucket, say, Please don't die. No, we don't - - -

Q49 They didn't take any medication or anything like that?

A I think both of them had already taken medication.

Q50 Mmm.

A Everybody on board knows what they're supposed to do.

Q51 Mmm.

A We were much better in '98 than we were the previous year, we only had two sick out of 15, the previous year in milder conditions we had 19 on board and we had, I think, 12 sick on the first night.

Q52 Mmm.

A So we were happy that we only had two down sick - - -

Q53 Mmm.

A - - - and only for, you know, only missed one watch each.

Q54 O.K.

A And they were, they were covered by the floater, we had two teams of seven and one spare, and the, the spare is the guy that was Mike Saby, who's the pro or senior player at Sydney - - -

Q55 Mmm.

A - - - and that's deliberate so as if one of us goes down we've got someone that's very experienced to fill the slot.

Q56 O.K. Did you attend a weather briefing at the C.Y.C.A. prior to the race?

A The briefing of the race on the Wednesday, I think, the full briefing I went to, but the separate briefing on the morning of the race, no.

Q57 O.K. When, when that briefing was given, they gave you certain wind conditions expected, right, and that a low pressure was building up and a front would be expected.

A Yeah.

Q58 They gave you the wind expected?

A Yes.

Q59 What was that?

A Up to 55 knots.

Q60 Now what does that mean to you, when you receive a, a weather report to be expected of winds up to 55 to 60, or 55 knots?

A 50, well, that's your, that'll be your average wind speed in, in any given hour.

Q61 Right.

A So it'll, it should vary somewhere between, well, if it's 55, somewhere, in a 20 knot range, so it'll go 45 to 65, gusting 65. So you get a solid, a solid 55.

Q62 If I, if I said to you that the weather bureau issues mean winds, mean wind speeds, which to them would indicate that those speeds would reach 50 to 55 knots for a period longer than 10 minutes, what would you expect then?

A Same sort of thing.

Q63 From 50 to 55 minutes, oh, 50 to 55 knots and then reach gusts - - -

-

A            Yeah, it would gust out at a good 10 over the forecast  
             - - -

Q64          O.K.

A            - - - usually.

Q65          In lieu of what I have just said now, with mean winds  
             being expected to last for a duration of 10 minutes or  
             greater, what do you think were your greatest mean  
             winds?

A            Greatest mean winds, 65.

Q66          So that's saying that it blew for 65 knots at greater  
             than 10 minutes?

A            For greater than 10 minutes in an hour.

Q67          How did you get those speeds?

A            How do I get that number?

Q68          Yes.

A            We've got a, the wind speed indicator on the back of  
             the cabin top - - -

Q69          Mmm.

A            - - - in full view of the steerer.

Q70          Right. And were you on board when those were reached,  
             those speeds?

A            We, yeah, I, I was steering for 6 to 9 hours - - -

Q71          On, on, sorry, on deck?

A            Yeah, I was steering for 6 to 9 - - -

Q72          Yes.

A            - - - hours, I saw on the dial 79 on my watch and the,  
             the watch in the middle were, were looking at 82, 83,  
             as peak wind speeds, peak gusts of wind speeds, but

-  
sitting in solid, in that 60 to 70, but probably 65  
type range.

Q73 O.K. And how, and that blew for, say at those mean  
winds for 4 or 5 hours, dropping low and high, but - -  
-

A Yeah.

Q73 - - - for a period of time?

A Yeah, it was, well, for the full 9 hours we, we  
considered we were in survival mode in better than 55  
knots.

Q74 O.K. Now with those instruments, are they analogue or  
digital?

A Oh, good question.

Q75 Oh, O.K. Analogue being like the hands of a watch - -  
-

A Oh, digital, digital - - -

Q75 - - - or digital being a digital readout?

A Yeah, digital display, yeah.

Q76 They're digital. Sorry. Do you know the, the name of  
the instruments?

A Yeah, they're B & G's.

Q77 And B & G, just, that's all it is, just B & G or - - -

A It's Brooks and Gatehouse.

Q78 O.K. Now are you very familiar with those instruments?

A Oh, reasonably.

Q79 Do you know if they have a plus or minus factor in them  
at all?

-

A           They do, those instruments were calibrated before we left.

Q80          And who calibrated those?

A           They were calibrated here in Adelaide by Quinn's, Quinn Marine.

Q81          And Quinn Marine is an authorised dealer of Brooks and Gatehouse?

A           Yeah.

Q82          O.K. Would you be able to supply me with documentation as far as the reliability of that particular instrument? Say its manufacturer's specifications?

A           I should be able to, yeah.

Q83          O.K. Now the wave heights you experienced.

A           Well, they, they varied a lot, because there was a, a wave set that had travelled down with us from the previous day that was current assisted, and that then met this front and the sort of rolling stuff coming in through Bass Strait and they all sort of met, and there were points where, oh, the wave lengths obviously met and went, it was pretty much straight up. They were coming from two, there were two sets travelling north from separate angles, probably 15 or 20 degrees apart, and then there was the stuff that we'd come down with, and so it really was very choppy, they say it's like being in a Mixmaster, and it was, or in a washing machine, but some of, some of the waves that had the top, the tops would break, they'd sort of come together almost, almost like a pyramid and then stand straight

up. The, the actual rollers themselves, that base of rolling stuff, wasn't that big, and it was long wave length to it, but it was all the choppy stuff on top that varied. We, we know that some of the troughs and peak, from trough to peak was 85 feet, because that's the height of Team Jag's mast, and they were probably about a mile and a half ahead of us, through, early on in the storm, and their mast disappeared in the troughs  
- - -

Q84        Whilst you - - -

A         - - - .... have a look at this - - -

Q85        Whilst you were on the peak of a wave you actually saw the mast disappear?

A         They would disappear, as we were sailing along they would disappear, and we were saying, That's pretty big, that's pretty big stuff. Not every time, but they would disappear. We could see them most of the time. So I reckon the highest we would have seen would have been round the 85 odd mark.

Q86        Right. Now when you, you did your tactics did you decide to stay to the east or the west of the run line?

A         We decided to race this race straight down the run line, one long .... And that's exactly what we did.

Q87        O.K.

A         Until we got blown about, anyway, we were right on it, we were within 500 metres of the run line the whole way down.



Q88 O.K. Your vessel underwent a safety check prior to leaving?

A Underwent two safety checks, we had the South Australian Chief Safety Officer, David Woods, on board, but he did our safety check in Adelaide before we left, and then he did another safety check when he arrived, 'cause he arrived on Christmas Day, and we went down in the afternoon, we went through and did the whole safety check again.

Q89 Your, the official safety check on the paper that was forwarded to the C.Y.C.A. with your, your application -  
- -

A Yeah.

Q89 - - - who, who did that?

A David Woods.

Q90 David Woods did that as well?

A Yeah.

Q91 In one particular instance with, with life lines, oh, correction, safety harness, safety harnesses and lanyards - - -

A Mmm.

Q91 - - - who supplies the safety harnesses and lanyards to your vessel for your crew?

A We, we have 20 safety harnesses and lanyards marked, Rager, on the boat. There's only, just trying to think, I've got a, an inbuilt harness in my Musto jacket and the other, my other steerer, Dave Snode, in

his, it's red, is that ..... and his ..... also got a, one inside that.

Q92 All right. Are you aware that the safety harnesses required for the Sydney to Hobart Yacht Race must meet, for the, everybody on board, the Australian 2-2-2-7 standard?

A Mmm. I think they're all tagged and stitched on that way.

Q93 O.K. Do all yours comply with the Australian standard?

A As far as I know they do. Mmm.

Q94 What make are they?

A Oh, I don't know.

Q95 Yeah, no - - -

A Orange and yellow.

Q96 Orange, O.K. Can you - - -

A I think - - -

Q97 That's a good make.

A There's a, there's a mixture, I think, of - - -

Q98 Right.

A - - - I know that the, the one in my Musto jacket is not a Musto one because - - -

Q99 Mmm.

A - - - it didn't, it, they won't sell them, because they don't meet the standard, but the one that does meet the standard is the British one, because it was bought new when I bought the jacket, and I, and they pointed that out when I bought it that they're not allowed to sell them here if they don't meet the standard.

Q100 O.K. Now when you were sailing down you mentioned that you were with Team Jag for a period of time. Did you hear the Team Jag call Mayday?

A We didn't hear a Mayday call from Team Jag.

Q101 Did you hear Team Jag call for assistance?

A No, no call for assistance.

Q102 Did you hear any other vessel call for assistance?

A Oh, we heard the, I think the first man overboard call was Kingura and that was a particularly unusual call in that the guy speaking on the radio on that vessel to, that, I forget, no, it was to the Young Endeavour, they were asking things like, what was his name, and they didn't seem to know, and height and weight and they didn't seem to know, 'cause he was a visitor from Canada or somewhere, and they weren't even sure what he was wearing when he went overboard, and we thought, this is really weird, you'd reckon you'd know who's on board and what colour their wet weather gear is if you've been sailing together, but it became clear within a few minutes of that transmission that in fact he'd, he'd jumped on the boat at relatively short notice and they probably didn't have the foggiest idea what he had. We'd heard that call, and then it would have been 20 or 25 minutes later we heard that he'd been picked up, so we were pretty pleased about that. We heard, I'm not sure when it was, there was a, a, I think the first of the Mayday calls was a Winston Churchill call, it might have been, and I remember,

-  
remember that being heard because Mike Saby said, I think this is the first Sydney Hobart that there's ever been a Mayday call, and I didn't know that, but that's the sort of thing he would know. That Mayday call we heard. Later on there was another one from, I think, Business Post Naiad. We didn't know, with the Team Jag thing, they were there and then they weren't there, so I reckon we, their mast went and we probably knew within a couple of minutes that it had gone, and we were listening out. We heard they'd lost their rig, they said they'd lost their rig but everything was O.K. And that's the last we knew of them, we must have sailed pretty much straight over their position, I would have thought, 10, 15 minutes later. We didn't see them at all. We looked out for them - - -

Q103 Mmm.

A - - - 'cause we knew that they'd be there - - -

Q104 Mmm.

A - - - and they weren't. We thought they'd sunk.

Q105 Well, in lieu of that, if you thought that they'd sunk, would that normally raise concern in your mind?

A Oh, yeah, it did, we, we were looking for them - - -

Q106 Yeah.

A - - - to see where they were, to see if there was anything we could do - - -

Q107 Mmm.

A - - - the radio said that they'd lost their rig, they're O.K. but we weren't, like - - -

Q108 Mmm.

A - - - where did they go?

Q109 Mmm.

A And we, we looked around, we didn't change course  
'cause they said - - -

Q110 Mmm.

A - - - they were O.K.

Q111 Mmm.

A We looked around and we never saw them .....

Q112 Right. Do you remember what time that you had them in  
sight and, and particular time of the day and the day  
that you had them in sight for the last time?

A Oh, .....

Q113 I know you haven't got your log with you, but - - -

A What log?

Q114 Well, did you keep a log?

A No.

Q115 Right.

A No log. No, I, working off, I wouldn't even have, it  
was daylight hours - - -

Q116 Right.

A - - - and I, I would think it was, I don't know, I  
didn't even check when they lost, what time of the day  
they lost their rig, but - - -

Q117 Mmm.

A - - - that would be the last time we spotted them,  
yeah.

Q118 O.K. With, with the entrant, the entrants and the, of the Sydney to Hobart, they give you certain documentation?

A Yeah.

Q119 And in the back of a booklet they supply a log, pages of a log. Is it general practice these, these aren't used?

A I can't comment on general practice, '97 Sydney Hobart the navigator we had certainly did his best to fill the log, but he was one of our sea sickies.

Q120 Mmm.

A So that made life a little bit difficult. This year, or the '98 Sydney Hobart, our navigator, I think had one too many pills - - -

Q121 Mmm. What did that cause to happen?

A That he slept.

Q122 Oh, O.K.

A He was asleep in the wet locker.

Q123 Now - - -

A So we just filled the nav position as best we could.

Q124 With, do you have a number of navigators on board, or do you normally employ, or do you have somebody as, solely for that purpose?

A We have, we have somebody solely for that purpose, but we did in fact have our '97 navigator as back up. He's a doctor who's got, he's an aviator and so he had navigated light aeroplanes as well.

Q125 Mmm.

A            So I've got great faith in his ability to navigate - -  
-  
Q126        Mmm.  
A            - - - I just don't have great faith in his ability to  
keep his lunch down.  
Q127        Oh, right.  
A            So he's not a good cabin traveller - - -  
Q128        Yes.  
A            - - - so he, he travelled in the cockpit - - -  
Q129        O.K.  
A            - - - this time - - -  
Q130        All right.  
A            - - - and so he was, he worked as, pretty much as a  
good back up navigator.  
Q131        Right. Were you present when the navigation was being  
conducted?  
A            Not, well, not all the time, only - - -  
Q132        No.  
A            - - - when I was - - -  
Q133        But at times?  
A            - - - at watch.  
Q134        Yeah. Is it the case where a course is always, is kept  
and, and positions are logged on the chart?  
A            Yeah, we do that. What we do most of all, we've got  
two or three handheld G.P.S's with the course set in it  
and we, we pre decide how we're going to go about it,  
and then try to stick within 1 or 2 nautical miles of  
that run line if we can.

Q135 Do you have any electronic instrumentation that keeps and holds positions for later use, well, records wind speed and all that sort of thing?

A Oh, no, it doesn't record wind speed, but the chart plotter - - -

Q136 Yes.

A - - - just follows the course we've taken - - -

Q137 Right.

A - - - and holds that in there until you delete it.

Q138 Does that indicate speeds?

A Only real time, it doesn't - - -

Q139 Right.

A - - - give you historical, no.

Q140 O.K. Earlier on this year there was a program on Four Corners which was aired.

A .....

Q141 I believe you, you were on that program?

A Yeah.

Q142 Could you give us the basis of your comments on that program?

A The comments that went to air on the program?

Q143 Yes.

A Yeah. They, the, the producers of the program essentially said they were looking to see, essentially answer two questions, one, how is it that the weather was quite clearly wrong, and then once we'd all got into trouble, examine first of all how did we get into trouble ... forecasting, and then secondarily, once we



were in trouble was enough done to help everybody out? So it was a pretty legitimate pair of questions. Of course I wasn't aware of what the whole program would have in it until after I'd seen it, and I also, I wasn't aware until I saw the program that in fact our initial report of the weather we were experiencing was disregarded, and it wasn't until roughly 90 minutes after we'd reported that we were experiencing extreme conditions that there was, that the fleet was actually alerted.

Q144 Right. So you reported those conditions for what reason?

A The reason, the reason being, really, the safety of all the competitors, particularly the smaller boats behind us, that it was significantly more wind speed than had been forecast. I was particularly interested in one boat, and that was Secret Men's Business, because that was Jeff Betcher's fourth Sydney Hobart in that boat and the first two he'd lost his carbon fibre mast at the heads, '97 he made it, and I've thought if, if he's going to lose a rig it'll be this year, because this is really extreme, and I thought he, he doesn't need to lost three rigs in four races, and they, thankfully they heard, they must have heard it, because they retired within, oh, 10 minutes or so, or said they were heading to Eden anyway, ..... Yeah, just that it was extreme, you know, we, we, we knew what to expect, and this was much more.

Q145 You're aware of a rule which exists in the notice of race about giving wind speeds and that sort of thing?

A There, there is a, a general rule about providing outside assistance, competitor to competitor. The, I think the wording in there is, is something along the lines of, other than matters of weather or, something like that, you're allowed to give, you're allowed to give danger type warnings.

Q146 Would you go get that blue book? Should be in that folder. No, that's all right. So you know for a fact that weather wasn't passed on, or what you've been told?

A No, I only, I only know from what was broadcast on the Four Corners.

Q147 Right. O.K. O.K.

A The, what was, what was broadcast on Four Corners when they, they, pardon me, they interviewed Lou, what's his name?

Q148 Carter.

A Lou Carter.

Q149 Yeah.

A They asked him what he'd done with that information, and he said, Nothing.

Q150 Right. Did you receive any penalty, or was there any discussions about you in fact broadcasting that?

A No, no discussion at all.

Q151 No discussion? No one's approached you about it?

A No.

Q152 O.K. Now in answer to that question, what are your beliefs? Do you believe the, the weather was wrong, or in the forecast were wrong?

A Depends on, depends on what you expect from a forecast.

Q153 Right.

A A forecast is an educated guess.

Q154 Yeah.

A And the educated guesses we were given prior, prior to the race - - -

Q155 Mmm.

A - - - were that this was going to be a particularly rough one.

Q156 Right.

A And the educated guesses on the day of the race and in that first hour of the race were, yes, confirmation, this is going to be a particularly rough one, and I think that's about all you could really say. Whether the forecasters said 55 or whether they said 75 - - -

Q157 Mmm.

A - - - I think once we were out there, didn't really make a great deal of difference.

Q158 Mmm.

A I think a lot of the boats, to be fair, had already decided they were going to go regardless.

Q159 Mmm.

A I know we, we had the boat reinforced and set to be able to handle 85 knots - - -

Q160 Mmm.

-  
A - - - and that's well documented before this race even took place, our sailmaker will tell you what we did to our sails. And so I was, we were prepared for 80 odd knots.

Q161 Yeah.

A There's a whole series of funny reasons why we were, so we weren't too fussed that it was going to be 65 or 70.

Q162 So you were fairly upset by the fact that, after being informed that that information hadn't been passed on?

A Oh, yeah, I was very upset that there was a, that, from what's reported on the Four Corners show, that there was a 90 minute gap - - -

Q163 Mmm.

A - - - between real time live information from one of the front six or seven boats, I think we were about sixth or seventh at the time - - -

Q164 Mmm.

A - - - that could have been given to the boats that were maybe 20 or 30 miles behind us.

Q165 Mmm.

A Again, whether it would have made any difference, I don't know.

Q166 Mmm. And so far as the second question's concerned with that Four Corners program, do you feel enough was done to help the yachties in the race at the time?

A There was certainly, there was certainly, I mean, a lot of stuff was, a lot of resources were pulled in to, to provide assistance, yeah.

Q167 I mean, is there anything you'd like to say in relation to the overall event, so far as the way it was run and the things that happened during the race?

A Well, it, it, it's my personal feeling - - -

Q168 Yeah, personally.

A - - - as I, as I said in a couple of interviews, you know, straight after we got in and subsequently, that it all falls back to the owner/skipper, and usually they're the same - - -

Q169 Mmm.

A - - - particularly with a race like this, to be absolutely certain that his boat's strong enough to handle the worst that can come at him - - -

Q170 Right.

A - - - and that the crew is adequately prepared, both mentally and physically, and the - (Tape Beeping) - I'd have to look, look carefully at the boats that got into trouble and, and see what was wrong, whether it was the boat that was badly prepared, whether it was the crew that was badly prepared, or if it was neither of the two that made a mistake.

Q171 Mmm. In saying that, what you said then about the owner and skipper and it may be the same, do you think it's a responsibility of the organising committee in a race to ensure that, well, not necessarily to ensure, but assist skippers and owners to make decisions, with knowing outside factors? .....

A Oh, do you mean, like, while the race is on?

Q172 While the race is on, in respect of - - -  
A .....  
Q172 - - - you're in a situation - - -  
A ..... what to do?  
Q173 Yeah.  
A No.  
Q174 O.K. And why is that?  
A Well, if, if they're sitting on the dock of the bay and you're out there in the dirty stuff, there's no way in the world they can tell you what to do.  
Q175 O.K.  
A You've got to keep your boat afloat.  
Q176 O.K.  
A So they can't tell you to turn around and come home, that's stupid.  
Q177 No. No, I didn't - - -  
A No.  
Q177 - - - I didn't mean that, what I'm saying is if they're privy to information which you're not privy to you, to, do you think there's an obligation on them to pass that information on to you, so you can make your decision?  
A Yes.  
Q178 That's all I'm saying.  
A In, in, yeah, information is golden.  
Q179 That you may not be privy to?  
A Mmm.  
Q180 That's what I'm saying.

A If we haven't, yeah, for instance, if we'd known, we heard subsequently that somewhere in the morning, before even we got the weather obviously, there'd been a report of 90 knots at Wilson's Prom, that was in that program actually - - -

Q181 Yeah.

A - - - Four Corners program. If we had that information at 6 o'clock in the morning, or 7 o'clock in the morning when supposedly it had been reported - - -

Q182 Mmm.

A - - - we would have gone into Eden - - -

Q183 Mmm.

A - - - 'cause that's where we were, right on the run line, there's Eden - - -

Q184 Yeah.

A - - - we wouldn't have gone on into, into that other stuff, not in a fit.

Q185 Yeah. Mmm.

A Easy to say in retrospect - - -

Q186 Mmm.

A - - - but, yeah, it would have certainly, that information would have changed what we did - - -

Q187 Mmm.

A - - - 'cause we were in a, we were in an ideal position to get into Eden, right in close to the coast.

Q188 Mmm. O.K. Gary, is there anything further you'd like to, to add that you feel may assist us in conducting this inquiry?

A Not that I can think of off the top of my head.

Q189 O.K. Well, please at a later date, if you feel free to write to us or contact us - - -

A Yeah.

Q189 - - - then notify us.

A Sure.

Q190 All right. The time on my watch is now 5.16pm. This interview is now concluded.

INTERVIEW CONCLUDED